

183 Christopher Campanella
184 309 Phillips Rd
185 Valley Falls NY 12185

186 UNITED STATES DISTRICT COURT
187 NORTHERN DISCTRIC OF NEW YORK
188

Christopher Campanella
Plaintiff,

VS.

Aurora Loan Servicing
Defendant

Case# 10-CV-0684-LEK-DRH

**MOTION FOR RULE 11
SANCTIONS**

Date: August 30th, 2010

189
190 PLAINTIFF'S MEMORANDUM IN
191 SUPPORT OF MOTION FOR RULE 11 SANCTIONS

192 Plaintiff asks the court to impose sanctions against Royston Memdoza, counsel for
193 Defendant, hereinafter referred to counsel for Defendant, for filing Defendants Answer in
194 violation of Federal Rule of Civil Procedure 11(b).

195 A. Introduction

- 196 1. Plaintiff is Christopher Campanella, Defendant is Aurora Loan Servicing .
- 197 2. Plaintiff sued defendant for numerous violations including but not limited to violations
198 of the Truth In ending Act, The Real Estate Settlement Procedures Act, The Home equity
199 Protection Act, Fraud, Common law Fraud, Breach of Fiduciary duties, .Et Al.
- 200 3. On August 12th counsel for Defendant filed defendants answer.

201 B. Argument

- 202 5. The court may impose sanctions on a party, an attorney, or a law firm, for presenting a
203 pleading, written motion, or other paper for an improper purpose, such as to harass or cause

unnecessary delay or expense. Fed. R. Civ. P. 11(b)(1), (c)(1). Also, the court may impose sanctions on a party, an attorney, or a law firm, for presenting a pleading, written motion, or other paper that includes any of the following: (1) claims, defenses, or contentions not warranted by existing law or by a good-faith argument for extending, modifying, or reversing existing law or for establishing new law; (2) allegations that do not have, or are unlikely to have after a reasonable investigation, evidentiary support; or (3) denials unwarranted by the evidence. Fed. R. Civ. P. 11(b)(2)-(4), (c)(1).

6. counsel for Defendant's filing of "Defendants Answer" violated Rule 11 because counsel for Defendant filed the document for an improper purpose, such as to harass, cause an unnecessary delay, or needlessly increase the cost of litigation. Fed. R. Civ. P. 11(b)(1); *Mercury Air Group, Inc. v. Mansour*, 237 F.3d, 542, 548 (5th Cir. 2001). Attorney makes specious allegations that claims are stated improperly, claims are time barred due to limitation on statutory procedure, and that the court lacks jurisdiction over the Defendant. Plaintiff filed multiple causes of action upon which relief can be stated, and this motion offered by attorney is a kneejerk reaction to having not read and understood the suit in its entirety. This is seemingly a waste of time, and intentionally done to cause unnecessary delay, and cost to the Plaintiff.

7. Before imposing sanctions, the court should determine whether the party or the attorney made a reasonable inquiry into the facts or the law before signing and presenting the document. See Fed. R. Civ. P. 11(b); *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1364-65 (9th Cir. 1990). The court should impose sanctions against counsel for Defendant because he did not make a reasonable inquiry into the facts or law before filing the answer. He offered specious logic with intent to make the court fall for a smoke and mirror routine, and then blame the allegations of the Plaintiff as being caused by the plaintiff. This is an egregious step in the civil action taken against his client, with intent to bring some sort of validity that a Pro Se cannot offer any reasonable pleadings to the Defendant.

8. The court should impose the following sanctions: Monetary Sanctions, and Striking Of Pleadings of the defendant. The requested sanctions are sufficient to deter repetition of the sanctionable conduct. Fed. R. Civ. P. 11(c)(4); *Fries v. Helsper*, 146 F.3d 452, 458-59 (7th Cir. 1998). Plaintiff's suit makes very strong claims and allegations, which can be proved through discovery, and demands that his complaint be taken seriously. Counsel for Defendant failed to address the suit with specificity, and by the court allowing sanctions in this case, the counsel will take the case with serious intention.

236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268

C. Conclusion

9. Defendants answer failed to address with specificity, as to why the defenses counsel for Defendant used, were valid. They are wasting the time of the Plaintiff and the Court, and are shadowing the seriousness of the case at hand. For these reasons, Plaintiff asks the court to impose sanctions of a monetary amount to be determined by the court, and a Striking of Defendants answer in its entirety.

Respectfully Submitted,


Christopher Campanella

VERIFICATION

I, Christopher Campanella, do swear and affirm that all statements made herein are true and accurate, in all respects, to the best of my knowledge.

Christopher Campanella
309 Phillips Rd
Valley Falls, NY 12185

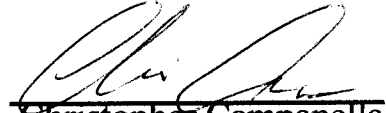
SWORN TO AND SUBSCRIBED BEFORE ME, Jill Walsh, by Christopher Campanella, on the 31st day of August, 2010, which witnesses my hand and seal of office.

JILL S. WALSH
No. 01WA5056072
Notary Public, State of New York
Qualified in Rensselaer County
My Commission Expires 2/26/14


NOTARY PUBLIC IN AND FOR
THE STATE OF NEW YORK

CERTIFICATE OF SERVICE

I, Christopher Campanella, do swear and affirm that I have served a signed copy of this Response to Rule 12 motion & Motion For Sanctions to any and all defendants by way of U.S.P.S. Certified mail # 7009 2820 0002 5849 3234 and return receipt, regular mail, and via facsimile # ~~_____~~, and noticed by telephone On the 31st day of August, 2010..


Christopher Campanella
309 Phillips Rd
Valley Falls NY 12185

The Person above, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this document and acknowledged to me that he/she executed the same in his authorized capacity and that by his signature on this instrument who is the person who executed this instrument.

I certify under PENALTY OF PERJURY under the laws of this State that the foregoing paragraph is true and correct.

Witness my hand and official seal.

JILL S. WALSH
No. 01WA5056072
Notary Public, State of New York
Qualified in Rensselaer County
My Commission Expires 2/26/14


**NOTARY PUBLIC IN AND FOR
THE STATE OF NEW YORK**

Notary Seal